

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYREE STOVALL,

Defendant.

8:06CR416

ORDER

Defendant Tyree Stovall (Stovall) appeared before the court on November 18, 2013, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 74). Stovall was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Stovall waived a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Stovall should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Stovall presented no evidence nor requested a detention hearing. Since it is Stovall's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Stovall has failed to carry his burden and that Stovall should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on March 6, 2014**. Defendant must be present in person.

2. Defendant Tyree Stovall is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 18th day of November, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge